

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Michael Rosenstiel, II,

Civil No. 23-cv-1876 (NEB/TNL)

Plaintiff,

v.

**ORDER**

John Paul McDonald,

Defendant.

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Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated August 26, 2024 (ECF No. 61), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY**

**ORDERED** that:

1. Plaintiff's Motion for Sanctions Against Defendant John Paul McDonald, ECF No. 51, is **GRANTED**.
2. Defendant shall reimburse Plaintiff all reasonable expenses and attorney's fees associated with bringing his motion for sanctions.
3. On or before October 21, 2024, Plaintiff shall file an affidavit setting forth the time, reasonably spent on his motion for sanctions, the hourly rate requested for attorney's fees, any expenses incurred in bringing the motion for sanctions, and any factual matters pertinent to attorney's fees.

4. On or before November 4, 2024, Defendant shall file any and all objections to Plaintiff's affidavit.
5. All prior consistent orders remain in full force and effect.
6. Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver of rights to object; exclusion or limitation of witnesses, testimony, exhibits and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

Date: October 7, 2024

s/Nancy E. Brasel  
Nancy E. Brasel  
United States District Court Judge